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Attorney for Plaintiffs  
DYLAN EACRET  
and JONATHAN KENT MERRITT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DYLAN EACRET and JONATHAN KENT  
MERRITT, individually and on behalf of other  
similarly situated,

Plaintiffs,

v.

CRUNCH, LLC, and DOES 1-100, inclusive

Defendants.

Case Number: 3:18-cv-04374-JST

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER PERMITTING  
PLAINTIFFS TO FILE A FIRST  
AMENDED COMPLAINT**

Judge: The Hon. Jon S. Tigar  
Department: Courtroom 9 - 19<sup>th</sup> Floor

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**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Plaintiffs DYLAN EACRET and JONATHAN KENT MERRITT (“Plaintiffs”) and Defendant CRUNCH, LLC (“Defendant”) (collectively, the “Parties”) through their respective attorneys of record, hereby submit the following Joint Stipulation and [Proposed] Order Permitting Plaintiffs to file a First Amended Complaint:

WHEREAS the Parties agreed to attended a private mediation with Michael J. Loeb on March 22, 2019 to resolve this dispute; and

WHEREAS, Plaintiffs drafted and circulated a draft First Amended Complaint in advance of this mediation to communicate all the claims and theories of liability alleged against Defendant and which Plaintiffs would seek to resolve at the mediation; and

WHEREAS the Parties reached a tentative resolution of all the claims and theories of liability alleged in the draft First Amended Complaint at the March 22, 2019 mediation; and

WHEREAS, the Parties agreed that the First Amended Complaint would need to be filed with the Court to gain the Court’s approval of the settlement of this dispute:

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1 NOW, THEREFORE, the Parties stipulate and respectfully request that the Court permit  
2 Plaintiffs to file a First Amended Complaint.

3  
4 Dated: April 30, 2019

JACKSON LEWIS P.C.

5 By: /s/ Conor J. Dale  
6 Mia Farber  
7 Shannon B. Nakabayashi  
8 Conor J. Dale  
Attorneys for Defendant  
CRUNCH, LLC


9 Dated: April 30, 2019

10 By: /s/ Ashwin Ladva  
11 Ashwin Ladva  
12 Attorney for Plaintiffs  
13 DYLAN EACRET and JONATHAN KENT  
14 MERRITT

15 ~~PROPOSED~~ ORDER

16 PURSUANT TO THE JOINT STIPULATION OF THE PARTIES, IT IS SO ORDERED.

17 Dated: May 1, 2019

18   
19 Hon. Jon S. Tigar  
United States District Court Judge

20 4847-4519-7972, v. 1